REMARKS

This is a full and timely response to the Office Action mailed March 23, 2006.

By this Amendment, claims 3 and 5 has been amended to address the rejection under 35 U.S.C. §112, first and second paragraphs, and to put the claims in better form under U.S. practice. Support for the claim amendments can be found variously throughout the specification and the original claims. Thus, claims 1-5 are pending in this application.

In view of these amendments, Applicant believes that the pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Applicant notes that in support of the arguments presented below, Applicant has submitted herewith an executed Rule 1.132 Declaration.

Rejection under 35 U.S.C. § 112

Claim 3 is rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicant has effected amendments to claim 3 which overcome the Examiner's concerns. Specifically, Applicant has deleted the term "*high*" from the claim. Hence, there are no more relative terms subject to individual interpretation remaining in the claim. Thus, withdrawal of this rejection is respectfully requested.

Claims 3 and 5 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Applicant has effected amendments to claims 3 and 5 which overcome the Examiner's concerns with respect to the rejected claims. Specifically, the term "*high*" and the phrase "*provides the highest signal to noise ratio with fixed concentration of VEE*" have been deleted from claims 3 and 5 respectively. Hence, the claims are no longer drawn only to a genus of antibodies that are defined by graduated binding affinities and a proporation indicating highest signal to noise ratio. Thus, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1-5 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hu et al. (Hybridoma and Hybridomics, Vol. 21, No. 6, pages 415-420, 2002) in view of Lee et

al. (Journal of Immunological Methods, Vol. 166, pages 123-131, 1993). Applicant respectfully traverses this rejection.

Applicant has submitted herewith an executed Rule 1.132 Declaration showing that the genetically biotinylated, streptavidin-binding peptide tagged, single chain fragment variable antibody against VEE disclosed in the reference of Hu et al. is derived from the inventors of this application and is thus not an invention "*by another*" as required under U.S. practice. Hence, Hu et al. is not a valid prior art reference under 35 U.S.C. §102.

Thus, withdrawal of this rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all of the claims now pending in the present application are believed to be clearly patentable over the outstanding rejection. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: August 22, 2006

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.